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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
| --- | --- | --- |
| **Office Action Summary** | 10/666,802 | HSUAN, MIN-CHIH |
| | Examiner | Art Unit |
| | Yin-Chen Shaw | 2439 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>04 September 2008</u>.
2a) ☒ This action is **FINAL**.     2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>1-3,5-28,30-41,43 and 45-48</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-3, 5-28, 30-41, 43, and 45-48</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____.
   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

# DETAILED ACTION

1. This written action is responding to the amendment dated on 09/04/2008.

2. Claims 1-2, 19, 26, 34, and 41 have been amended. Claims 4, 29, 42, and 44 are canceled. All other claims are as original

3. Claims 1-3, 5-28, 30-41, 43, and 45-48 have been submitted for examination.

4. Claims 1-3, 5-28, 30-41, 43, and 45-48 are pending.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-2, 5-7, 9-27, 30-32, 34-41, and 45-47 under 35 U.S.C. 103(a) as being unpatentable over Padole et al. (U.S. Patent 6,993,664) in view of Hughes et al. (U.S. Pub. 2004/0059938).

   a. *Referring to Claims 1 and 26:*

   As per Claim 1, Padole et al. disclose a system for detecting an illegal loading of a software with a software serial number and executing the software thereafter, the system comprising:

a personal identity circuit for holding a software serial number of a software and generating an inspection code in installing the software **[(lines 21-23, Col. 2; lines 59-60, Col. 4 from Padole et al.)]**; and

a communication control interface having a communication equipment serial number, the communication control interface being provided for connecting the personal identity circuit with a new product registration center **[(lines 27-32, Col. 2 and lines 43-60, Col. 8 from Padole et al.)]**;

wherein the first value indicates the installed software is in a legal user state and the second value indicates the installed software is in an illegal user state and wherein the software automatically checks the inspection code before executing the software, when the inspection code is in a legal user state, executing of the software permitted, when the inspection code is in an illegal user state, executing of the software is terminated immediately **[(lines 41-46, Col. 9; lines 57-67, Col. 5; lines 1-7 and 64-67, Col. 6; lines 1-20, Col. 7 from Padole et al.)]**.

Padole et al. do not expressly disclose the remaining limitations of the claim. However, Hughes et al. disclose the inspection code with a first value corresponding to a software when the software is installed in the system at the first time and a software serial number of the software is received by the personal identity circuit **[(lines 1-7 of [0038]; lines 1-10 of [0033]; lines 6-10 of [0035]; Fig. 1 from Hughes et al.)]**, wherein if

the personal identity circuit is not present, the execution of the software is terminated **[(lines 1-10 of [0033]; lines 6-9 of [0042]; parag. [0045] to [0047]; Fig. 4 from Hughes et al.)]** and wherein the new product registration center receives the software serial number and the communication equipment serial number and compares the software serial number and the communication equipment serial number with datasets in a database in the new product registration center, wherein when the software serial number is found within one of the datasets but a communication equipment serial number in the one of the datasets differs from the received communication equipment serial number, the inspection code is reset to a second value **[(lines 1-20 of [0054]; lines 1-5 of [0055]; lines 1-11 of [0040] from Hughes et al.)]**.

Padole et al. and Hughes et al. are analogous art because they are from similar technology relating to software distribution and licensing. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Padole et al. with Hughes et al. since one would have been motivated to provide a system for enabling enforcement of written software licensing terms for a software product for use with a computer having a set of hardware components (lines 2-4 of [0014] from Hughes et al.).

As per Claim 26, it encompasses limitations that are similar to those of Claim 1. Therefore, it rejected with the same rationale as of Claim 1.

b. *Referring to Claims 2 and 27:*

As per Claim 2, Padole et al. and Hughes et al. disclose the system of claim 1, wherein when both of the received software serial number and the received communication equipment serial number are not found among the datasets, the software serial number and the communication equipment serial number are written down as a new dataset in the database and then the inspection code is reset to the legal user state **[(lines 1-15 of [0054] from Hughes) and (lines 57-67, Col. 5; lines 1-7, Col. 6 from Padole et al.)]**.

As per Claim 27, the rejection of Claim 26 is incorporated. In addition, Claim 27 encompasses limitations that are similar to those of Claim 2. Therefore, it rejected with the same rationale as of Claim 2.

c. *Referring to Claims 5, 30, and 45:*

As per Claim 5, Padole et al. and Hughes et al. disclose the system of claim 1, wherein the communication control interface comprises a network interface card **[(lines 57-60, Col. 8 from Padole et al.)]**.

As per Claim 30, the rejection of Claim 26 is incorporated. In addition, Claim 30 encompasses limitations that are similar to those of Claim 5. Therefore, it rejected with the same rationale as of Claim 5.

As per Claim 45, the rejection of Claim 41 is incorporated. In addition, Claim 45 encompasses limitations that are similar to those of Claim 5. Therefore, it rejected with the same rationale as of Claim 5.

d. *Referring to Claims 6, 31, and 46:*

As per Claim 6, Padole et al. and Hughes et al. disclose the system of claim 1, wherein the communication control interface comprises a wireless communication network **[(lines 50-53, Col. 7 from Padole et al.)]**.

As per Claim 31, the rejection of Claim 26 is incorporated. In addition, Claim 31 encompasses limitations that are similar to those of Claim 6. Therefore, it rejected with the same rationale as of Claim 6.

As per Claim 46, the rejection of Claim 41 is incorporated. In addition, Claim 46 encompasses limitations that are similar to those of Claim 6. Therefore, it rejected with the same rationale as of Claim 6.

e. *Referring to Claims 7, 32, and 47:*

As per Claim 7, Padole et al. and Hughes et al. disclose the system of claim 1, wherein the communication control interface comprises a global positioning system **[(lines 50-53, Col. 7 from Padole et al.)]**.

As per Claim 32, the rejection of Claim 26 is incorporated.  In addition, Claim 32 encompasses limitations that are similar to those of Claim 7. Therefore, it rejected with the same rationale as of Claim 7.

As per Claim 47, the rejection of Claim 41 is incorporated.  In addition, Claim 47 encompasses limitations that are similar to those of Claim 7. Therefore, it rejected with the same rationale as of Claim 7.

f.  *Referring to Claim 9:*

As per Claim 9, Padole et al. and Hughes et al. disclose the system of claim 1, wherein the personal identity circuit further comprises:

a microprocessor having a memory unit for generating the inspection code when installing the software and a non-volatile memory unit coupled to the microprocessor for holding the inspection code **[(lines 21-23, Col. 2; lines 1-5 and 59-60, Col. 4; Figs. 1 and 2 from Padole et al.)]**; and

a media access controller coupled to the non-volatile memory unit and the communication control interface for transmitting the inspection code to the new product registration center via the communication control

interface **[(lines 54-63, Col. 6; lines 1-6, Col. 9; Figs. 1 and 2 from Padole et al.)]**.

g. _Referring to Claim 10:_

As per Claim 10, Padole et al. and Hughes et al. disclose the system of claim 9, wherein the memory unit comprises an erasable programmable read-only-memory **[(Fig. 1 from Padole et al.)]**.

h. _Referring to Claim 11:_

As per Claim 11, Padole et al. and Hughes et al. disclose the system of claim 9, wherein the memory unit comprises an electrically erasable programmable read-only-memory **[(Fig. 1 from Padole et al.)]**.

i. _Referring to Claim 12:_

As per Claim 12, Padole et al. and Hughes et al. disclose the system of claim 9, wherein the memory unit comprises a flash memory **[(Fig. 1 from Padole et al.)]**.

j. _Referring to Claim 13:_

As per Claim 13, Padole et al. and Hughes et al. disclose the system of claim 9, wherein the memory unit comprises a static random access memory **[(Fig. 1 from Padole et al.)]**.

k. _Referring to Claim 14:_

As per Claim 14, Padole et al. and Hughes et al. disclose the system of claim 9, wherein the memory unit comprises a dynamic random access memory **[(Fig. 1 from Padole et al.)]**.

l.  *Referring to Claim 15:*

As per Claim 15, Padole et al. and Hughes et al. disclose the system of

claim 9, wherein the non-volatile memory unit comprises an erasable

programmable read-only-memory **[(Fig. 1 from Padole et al.)]**.

m. *Referring to Claim 16:*

As per Claim 16, Padole et al. and Hughes et al. disclose the system of

claim 9, wherein the non-volatile memory unit comprises an electrically

erasable read-only-memory **[(Fig. 1 from Padole et al.)]**.

n.  *Referring to Claim 17:*

As per Claim 17, Padole et al. and Hughes et al. disclose the system of

claim 9, wherein the non-volatile memory comprises a flash memory

**[(Fig. 1 from Padole et al.)]**.

o.  *Referring to Claim 18:*

As per Claim 18, the rejection of Claim 1 is incorporated.  In addition,

Claim 18 encompasses limitations that are similar to those of Claim 9.

Therefore, it rejected with the same rationale as of Claim 9.

p.  *Referring to Claims 19 and 34:*

As per Claim 19, Padole et al. disclose a chip in a system for detecting

an illegal loading of a software with a software serial number and

executing the software thereafter, the chip comprising:

a microprocessor for generating an inspection code when installing a

software having a software serial number and a non-volatile memory unit

coupled to the microprocessor for holding the inspection code **[(lines 21-23, Col. 2; lines 1-5 and 59-60, Col. 4; Figs. 1 and 2 from Padole et al.)]**;

a media access controller coupled to the non-volatile memory unit and a communication control interface for transmitting the software serial number of the software and a communication equipment serial number to a new product registration center via the communication control interface such that the new product registration center resets the inspection code according to the received software serial number and the communication equipment serial number, wherein the software automatically checks the inspection code before executing the software, when the inspection code is in a legal user state, executing of the software is permitted, when the inspection code is in an illegal user state, executing of the software is terminated immediately **[(lines 61-67, Col. 8 and lines 1-6 and 41-46, Col. 9; lines 57-67, Col. 5; lines 1-7, Col. 6; Figs. 1 and 2 from Padole et al.)]**;

wherein the first value indicates the installed software is in a legal user state and the second value indicates the installed software is in an illegal user state and wherein the software automatically checks the inspection code before executing the software, when the inspection code is in a legal user state, executing of the software permitted, when the inspection code is in an illegal user state, executing of the software is

terminated immediately **[(lines 41-46, Col. 9; lines 57-67, Col. 5; lines
1-7 and 64-67, Col. 6; lines 1-20, Col. 7 from Padole et al.)]**.

Padole et al. do not expressly disclose the remaining limitations of the
claim. However, Hughes et al. disclose the inspection code with a first
value corresponding to a software when the software is installed in the
system at the first time and a software serial number of the software is
received by the microprocessor **[(lines 1-7 of [0038]; lines 1-10 of
[0033]; lines 6-10 of [0035]; Fig. 1 from Hughes et al.)]**, wherein if the
microprocessor is not present, the execution of the software is
terminated **[(lines 1-10 of [0033]; lines 6-9 of [0042]; parag. [0045] to
[0047]; Fig. 4 from Hughes et al.)]** and wherein the new product
registration center receives the software serial number and the
communication equipment serial number and compares the software
serial number and the communication equipment serial number with
datasets in a database in the new product registration center, wherein
when the software serial number is found within one of the datasets but
a communication equipment serial number in the one of the datasets
differs from the received communication equipment serial number, the
inspection code is reset to a second value **[(lines 1-20 of [0054]; lines
1-5 of [0055]; lines 1-11 of [0040] from Hughes et al.)]**.
Padole et al. and Hughes et al. are analogous art because they are from
similar technology relating to software distribution and licensing.    It

would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Padole et al. with Hughes et al. since one would have been motivated to provide a system for enabling enforcement of written software licensing terms for a software product for use with a computer having a set of hardware components (lines 2-4 of [0014] from Hughes et al.).

As per Claim 34, it encompasses limitations that are similar to those of Claim 19. Therefore, it rejected with the same rationale as of Claim 19.

q. *Referring to Claims 20 and 35:*

As per Claim 20, Padole et al. and Hughes et al. disclose the chip of claim 19, wherein the communication control interface comprises a network interface card **[(lines 57-60, Col. 8 from Padole et al.)]**.

As per Claim 35, the rejection of Claim 34 is incorporated. In addition, Claim 35 encompasses limitations that are similar to those of Claim 20. Therefore, it rejected with the same rationale as of Claim 20.

r. *Referring to Claims 21 and 36:*

As per Claim 21, Padole et al. and Hughes et al. disclose the chip of claim 19, wherein the-communication control interface comprises a

wireless communication network **[(lines 50-53, Col. 7 from Padole et al.)]**.

As per Claim 36, the rejection of Claim 34 is incorporated. In addition, Claim 36 encompasses limitations that are similar to those of Claim 21. Therefore, it rejected with the same rationale as of Claim 21.

s. *Referring to Claims 22 and 37:*

As per Claim 22, Padole et al. and Hughes et al. disclose the chip of claim 19, wherein the communication control interface comprises a global positioning system **[(lines 50-53, Col. 7 from Padole et al.)]**.

As per Claim 37, the rejection of Claim 34 is incorporated. In addition, Claim 37 encompasses limitations that are similar to those of Claim 22. Therefore, it rejected with the same rationale as of Claim 22.

t. *Referring to Claims 23 and 38:*

As per Claim 23, Padole et al. and Hughes et al. disclose the chip of claim 19, wherein the non-volatile memory unit comprises an erasable programmable read-only-memory **[(Fig. 1 from Padole et al.)]**.

As per Claim 38, the rejection of Claim 34 is incorporated. In addition,

Claim 38 encompasses limitations that are similar to those of Claim 23.

Therefore, it rejected with the same rationale as of Claim 23.

u. *Referring to Claims 24 and 39:*

As per Claim 24, Padole et al. and Hughes et al. disclose the chip of

claim 19, wherein the non-volatile memory unit comprises an electrically

erasable programmable read-only-memory **[(Fig. 1 from Padole et al.)]**.


As per Claim 39, the rejection of Claim 34 is incorporated. In addition,

Claim 39 encompasses limitations that are similar to those of Claim 24.

Therefore, it rejected with the same rationale as of Claim 24.

v. *Referring to Claims 25 and 40:*

As per Claim 25, Padole et al. and Hughes et al. disclose the chip of

claim 19, wherein the non-volatile memory unit comprises a flash

memory **[(Fig. 1 from Padole et al.)]**.


As per Claim 40, the rejection of Claim 34 is incorporated. In addition,

Claim 40 encompasses limitations that are similar to those of Claim 25.

Therefore, it rejected with the same rationale as of Claim 25.

w. *Referring to Claim 41:*

As per Claim 41, Padole et al. disclose a software registration center linked to a hardware system for detecting an illegal loading of a software with a software serial number into a computer and executing the software thereafter, wherein the software registration center has a database with a plurality of datasets **[(lines 32-38, Col. 9 from Padole et al.)]**, when the software registration center receives the software serial number and the communication equipment serial number, the software serial number and the communication equipment serial number are compared with the datasets **[(lines 27-32, Col. 2 and lines 43-60, Col. 8 from Padole et al.)]**;

wherein when the software serial is found within one of the datasets while a communication equipment serial number in the one of the datasets is found identical with the received communication equipment serial number, an inspection code is provided with a first value **[(line 48, Col. 9 to line 16, Col. 10 and lines 13-22, Col. 12 from Padole et al.)]**; wherein the first value indicates the installed software is in a legal user state and the second value indicates the installed software is in an illegal user state and wherein before the computer is able to execute the software, the software automatically checks the inspection code, when the inspection code is in a legal user state, executing of the software is permitted, when the inspection code is in an illegal user state, executing

of the software is terminated immediately **[(lines 41-46, Col. 9; lines 57-67, Col. 5; lines 1-7, Col. 6; lines 1-20, Col. 7 from Padole et al.)]**.

Padole et al. do not expressly disclose the remaining limitations of the claim. However, Hughes et al. disclose wherein the new product registration center receives the software serial number and the communication equipment serial number and compares the software serial number and the communication equipment serial number with datasets in a database in the new product registration center, when the software serial number is found within one of the datasets but a communication equipment serial number in the one of the datasets differs from the received communication equipment serial number, the inspection code is reset to a second value **[(lines 1-20 of [0054]; lines 1-5 of [0055]; lines 1-11 of [0040]; parags. [0045] to [0047] from Hughes et al.)]**.

Padole et al. and Hughes et al. are analogous art because they are from similar technology relating to software distribution and licensing. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Padole et al. with Hughes et al. since one would have been motivated to provide a system for enabling enforcement of written software licensing terms for a software product for use with a computer having a set of hardware components (lines 2-4 of [0014] from Hughes et al.).

6. Claims 3, 8, 28, 33, 43, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padole et al. (U.S. Patent 6,993,664) and Hughes et al. (U.S. Pub. 2004/0059938) and further in view of Nash (U.S. Patent 6,449,645).

   a. *Referring to Claims 3, 28, and 43:*

   As per Claim 3, Padole et al. and Hughes et al. disclose the system of Claim 2. Padole et al. and Hughes et al. further disclose wherein after the new product registration center reset the inspection code to the legal user state according to the software serial number and the communication equipment serial number as in Claim 1. Padole et al. and Hughes et al. do not expressly disclose the software manufacture system connected to a software manufacturer system for reporting a software registration to the software manufacturer system. However, Nash discloses the software (manufacturing) system is informed of the license information based on the monitoring process by the computer routines **[(lines 53-54, Col. 5 from Nash)]**. Padole et al., Hughes et al., and Nash are analogous art because they are from similar technology relating to software distribution and licensing. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Padole et al. and Hughes et al. with Nash since one would have been motivated to provide a method for monitoring whether

software or other digitized information has been copied (lines 15-17, Col.

2 from Nash).

As per Claim 28, the rejection of Claim 26 is incorporated. In addition,

Claim 28 encompasses limitations that are similar to those of Claim 3.

Therefore, it rejected with the same rationale as of Claim 3.

As per Claim 43, the rejection of Claim 41 is incorporated. In addition,

Claim 43 encompasses limitations that are similar to those of Claim 3.

Therefore, it rejected with the same rationale as of Claim 3.

b. *Referring to Claims 8, 33, and 48:*

As per Claim 8, Padole et al. and Hughes et al. disclose the system of

claim 1. Padole et al. and Hughes et al. further disclose wherein after

the new product registration center reset the inspection code to the legal

user state according to the software serial number and the

communication equipment serial number as in Claim 1. Padole et al.

and Hughes et al. do not expressly disclose the software manufacture

system and connected to a software manufacturer system for reporting a

software registration to the software manufacturer system. However,

Nash discloses the software (manufacturing) system is informed of the

license information based on the monitoring process by the computer

routines **[(lines 53-54, Col. 5 from Nash)]**. Padole et al., Hughes et al.,

and Nash are analogous art because they are from similar technology relating to software distribution and licensing.   It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Padole et al. and Hughes et al. with Nash since one would have been motivated to provide a method for monitoring whether software or other digitized information has been copied (lines 15-17, Col. 2 from Nash).

As per Claim 33, the rejection of Claim 26 is incorporated.  In addition, Claim 33 encompasses limitations that are similar to those of Claim 8. Therefore, it rejected with the same rationale as of Claim 8.

As per Claim 48, the rejection of Claim 41 is incorporated.  In addition, Claim 48 encompasses limitations that are similar to those of Claim 8. Therefore, it rejected with the same rationale as of Claim 8.

**Note:** *Examiner has pointed out particular references contained in the prior arts of record and in the body of this action for the convenience of the applicant.  Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable to the limitations of the claims.  It is respectfully requested from the applicant, in preparing for response, to consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.*

## Response to Arguments

7. Applicant's amendment, filed on Sep. 04, 2008, has Claims 1-2, 19, 26, 34, and 41 amended. Among these amended claims, Claims 1, 19, 26, 34, and 41 are independent claims.

8. Applicant's remark, filed on Sep. 04, 2008, argues Padole, when considered in its entirety, still fails to teach "a personal identity circuit for holding a software serial number of a software and generating an inspection code and generating an inspection code in installing the software" and "the new product registration center rest the inspection code according to the software serial number and the communication equipment serial number".

9. Applicant's remark, filed on Sep. 04, 2008, further argues that Padole and Hughes et al., along or in combination, neither teaches, discloses, nor suggests the newly amended limitation, "wherein if the personal identity circuit is not present, the execution of the software is terminated" for independent Claims 1 and 26 and another similarly amended limitation, "wherein if the microprocessor is not present, the execution of the software is terminated" for independent Claims 19 and 34.

10. Applicant's remark has been fully considered, but found not persuasive based on the reason below.


**Regarding to Argument (1):**

11. Examiner respectfully disagrees with Applicant's argument that Padole, when
considered in its entirety, still fails to teach "a personal identity circuit for holding
a software serial number of a software and generating an inspection code in
installing the software" and "the new product registration center *reset* the
inspection code according to the software serial number and the communication
equipment serial number".    In fact, Examiner respectfully disagrees with
Applicant' statement that the above-mentioned limitations remain interpreted as
being taught only by Padole alone (and thus, Padole when considered in its
entirety fails to teach the argued limitation) because the rejection is really
formulated based on the combination of the references by Padole and Hughes.
Padole and Hughes are similar art that both disclose the method and system for
licensed software installation and prevention of illegal piracy.    Padole and
Hughes both teach that the claimed "personal identify circuit" in independent
Claims 1 and 26 and similar claimed term, "microprocessor" in independent
Claims 19 and 34  as in Figure 1 of both references for holding software serial
number as in Fig. 2, element 102.  The generation of the claimed inspection code
with a first value corresponding to installation of the software and its serial
number is clearly taught by Padole as in lines 21-23, Col. 2 and lines 59-60, Col.
4.   Padole, then, teaches that the activation server is to register, record, and
activate the installed software product as in line 15 Col. 9 to line 16, Col. 10.  The
reset of the inspection code, according to the teaching by Padole, happens when
the computer hardware component ID, H/W ID (i.e., communication equipment

serial number), changes such that updating at the activation center database for the claimed inspection code is required (see lines 17-30, Col. 12 from Padole). Hughes also specifically mentions that the upgrade of the computer hardware ID (i.e., change in H/W ID) may prevent the software being operable as the result of reset/change of the inspection code (see parags. [0045] – [0047]). Therefore, it is believed that by considering the disclosure from Padole in entirety with the combination from Hughes, the above argued claim limitations are addressed.

### Regarding to Argument (2):

12. In regards to Applicant's argument that that Padole and Huges et al., along or in combination, neither teaches, discloses, nor suggests the newly amended limitation, "wherein if the personal identity circuit is not present, the execution of the software is terminated" for independent Claims 1 and 26 and another similarly amended limitation, "wherein if the microprocessor is not present, the execution of the software is terminated" for independent Claims 19 and 34, Examiner respectfully disagrees. The presence of specific hardware(s) (i.e., personal identity circuit, microprocessor, and etc) corresponds to whether the specific hardware component(s) in the computer is present. According to the disclosure from Hughes (see parag. [0047]), the absence/change of specific pieces(s) of hardware may result the software being inoperable (i.e., termination of the execution of the software). Thus, the combination of Padole and Hughes,

contrary to Applicant's argument, still teaches the newly amended claim limitation

for independent claims 1, 19, 26, and 34.


Based on the reason above, it is believed that the rejections to the currently

pending claims in the amendment should be maintained.   Applicant is further

reminded that (1) the fact that Examiner may not have specifically traversed to

particular assertion(s) in the argument by the Applicant should not be construed

as indicating Examiner's agreement therewith and (2) additional modification to

clarify the independent claim limitation is necessary for further consideration and

distinction from the cited prior art.


# Conclusion

13. Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP § 706.07(a).  Applicant

is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.   In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action.  In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

    a. Zhang et al. (U.S. Patent 6,983,375) disclose a system for granting

       indefinite use of inactivated software options pre-installed on a device is

       provided. The system includes receiving, at a remote processing facility, a

       recurrent use request from a user requesting access to an inactivated

       software option resident on the device. The system is further configured

       to validate the request and generate an activation key. The activation key

       is transmitted from the processing facility to the device automatically

       activating the option and granting recurrent access. The activation key or

       code is generated at the processing facility using data from at least one of

       a user identifier, a system identifier, a recurrent use identifier, and the

       selected option. A method to permit recurrent use of resident, yet,

       inactivated software of a device is also provided.

14. Any inquiry concerning this communication or earlier communications from the

    examiner should be directed to Yin-Chen Shaw whose telephone number is 571-

    272-8593. The examiner can normally be reached on 8:15 to 4:15 M-F.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

    supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone

    number for the organization where this application or proceeding is assigned is

571-273-8300.    Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished applications is available through Private PAIR only.  For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YCS

Dec. 17, 2008

/Kambiz Zand/
Supervisory Patent Examiner, Art Unit 2434